

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

TOMMY L. DRISKELL,

Plaintiff,

V.

ARKEYCIA BAKER, ET AL.,

Defendants.

Case No. 2:24-cv-02183-SHM-tmp

ORDER DISMISSING CASE WITHOUT PREJUDICE

On March 18, 2024, Plaintiff Tommy L. Driskell filed a pro se complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.) Driskell neglected to either pay the \$405 civil filing fee or submit a properly completed application to proceed *in forma pauperis*. On March 21, 2024, the Court issued an order directing Driskell to either pay the entire filing fee or submit a properly completed application to proceed *in forma pauperis* and a certified copy of his inmate trust account statement. (ECF No. 3.)

On April 15, 2024, Driskell submitted an application to proceed *in forma pauperis* (ECF No. 4) and on April 29, 2024, Driskell submitted a certified copy of his trust fund statement. (ECF No. 5) On May 8, 2024, the Court granted leave to proceed *in forma pauperis* and assessed the \$350 civil filing fee. (ECF No. 6.)

The order directed Driskell to “notify the Court immediately, in writing, of his change of address” if he were transferred to a different prison or released. (*Id.* at PageID 20.) The Court warned Driskell that, if he “fails to abide by these or any other requirements of this order, the Court may impose appropriate sanctions, up to and including dismissal of this action, without any

additional notice or hearing by the Court.” (*Id.*) On July 22, 2024, mail sent to Driskell was returned as undeliverable with a notation that Driskell had been discharged. (*See* ECF No. 7-1.)

The most basic responsibility of a litigant is to keep the Court advised of his whereabouts. Driskell was directed to do so in the May 8, 2024 order but has failed to notify the Court of his current address. Therefore, it appears Driskell has abandoned this action. Accordingly, this case is hereby DISMISSED without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to comply with the Court’s order.

It is also CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), that any appeal in this matter by Driskell would not be taken in good faith. Leave to proceed on appeal *in forma pauperis* is, therefore, DENIED.

IT IS SO ORDERED this 9th day of August, 2024.

/s/ Samuel H. Mays, Jr.

SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE